

**NVRA PROCEDURES MANUAL**  
**(Voter Registraton List Maintenance Procedures)**

National Voter Registration Act (NVRA) of 1993 (42 USC 1973gg et seq.)  
anCorresponding State Law Provisions

2006

NVRA sec. (8), Secs. 115.158 – 115.223 RSMo

See attached diagram

*NVRA requires states to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of the death of the registrant or a change in the residence of the registrant...” Section 8(a)(4) Any such program must be “uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965.” Voters may not be removed simply for failure to vote. NVRA sec. 8(b)(1) This program must be completed not later than 90 days prior to the date of a primary or general election for federal office. Section 8(c)(2)*

### **Removal-Change of Address (Canvass Procedures)**

#### **Canvass**

- Not less than 90 days prior to a primary or general election for federal office, each local election authority (LEA) must send every active registered voter in their jurisdiction a voter ID card by nonforwardable mail, unless the voter has received such a card during the preceding six months. (sec. 115.163.3 RSMo)<sup>1</sup> (Because mail registrants do not receive a voter ID card until after they have voted in person the first time, a verification notice must be sent to them in place of an ID card.)
- Each local election authority shall have the registration records for its jurisdiction canvassed every two years in accordance with sec. 115.163.3. This canvass must be completed not later than 90 days prior to the date of a primary or general election for federal office. An election authority may also use the Postal Service’s National Change of Address (NCOA) program to canvass its records. (NVRA sec. 8(c)(1)(A) and secs. 115.179 & 115.189 RSMo)
- This biennial canvass (or one conducted more frequently) satisfies the “uniformly applied” list maintenance program requirement of NVRA if it is sent out early enough. The entire program of address verification/confirmation required by NVRA before allowing a voter to be designated as inactive or removed from the rolls, must be completed not less than 90 days before a federal election. (NVRA sec. 8(c)(2)(A))
- If a canvass mailing to a voter is not returned, that voter’s name remains on the active voter list at the same address.

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<sup>1</sup> Each new registrant who appears in person and voters who submit a change of address within the jurisdiction must be sent an ID card. (sec. 115.163.3) Each new mail, DMV or agency applicant must be sent a verification notice reporting the disposition of their application. (NVRA sec. 8(a)(2) and sec. 115.155.3 & 4)

### **Confirmation Notice**

- If a canvass mailing (or other election mailing) to a voter is returned or NCOA indicates that the address on file for that voter is incorrect, that voter must be sent a forwardable confirmation notice.
- If the canvass mailing is returned as non-forwardable or the NCOA indicates that the voter has moved outside the jurisdiction, that voter may be placed on the inactive list before the confirmation mailing is sent. (sec. 115.193.5)
- Forwardable confirmation notices are generally sent to the address to which the canvass mailing was sent (i.e. the address at which the voter was most recently registered). However, confirmation notices may be sent to voters which the NCOA identifies as having moved at the new address provided by NCOA. (sec. 115.163.3)
- If it appears from information provided by the Postal Service that a registrant has moved within the jurisdiction, the voter's registration record may be changed to show the new address before the confirmation notice is sent.
- The confirmation notice must contain a pre-paid, pre-addressed return card on which the voter may state his or her current address. (sec. 115.193.2)
- The confirmation notice must also contain the following statements:

(1) Any voter who has not changed his or her residence, or has changed residence but remained in the same election authority's jurisdiction, shall return the card not later than the fourth Wednesday prior to the next election. If the card is not returned by this date, oral or written affirmation of the voter's address may be required at the polling place before the voter will be permitted to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice. Any voter who does not vote in an election during that period will have his or her name removed from the list of eligible voters;

(2) For additional information on registering to vote, contact the election authority located in the county of your current residence. If you reside in the city of St. Louis, contact the St. Louis City election board.

(Sec. 115.193.3 and NVRA secs. 8(c)(B)(ii) and 8(d)(2))

### **Response to Confirmation Notice**

- If a voter responds to the confirmation notice and confirms he or she has moved outside of the jurisdiction, that voter's name must be removed from the registration rolls at that time. (NVRA sec. 8(d)(1)(A) and sec. 115.193.1)
- If a voter responds to the confirmation notice and confirms he or she still resides at the same address, that voter's name shall remain on the active list at that address.
- If a voter responds to the confirmation notice and confirms he or she still resides within the jurisdiction, but at a different address, the voter's address on the

registration record is changed, the voter is sent a new ID card, and the voter's name is kept on the registration rolls at the new address.

#### **No Response to Confirmation Notice**

- If a voter does not respond to the confirmation notice within 30 days, that voter may be designated as inactive.
- A voter who has been designated as inactive may be restored to the active list if:
  - 1) the voter returns the confirmation notice to the LEA either confirming his or her address or providing a new address in the jurisdiction;
  - 2) the voter provides the LEA with his or her new address in some other way (a voter may also change his or her address on election day at the polling place for his or her new address or at the central location. (sec. 115.165)); or
  - 3) the voter confirms in writing that his or her address has not changed (this may also be done on Election Day).

#### **Removal**

- If there is no response of any kind from a voter who has been designated as inactive **and** there is no election activity (voting, signing a petition) on the part of that voter during the period beginning on the date of the confirmation notice and ending on the day after the second general election from the date of notice (i.e. two consecutive federal general elections), that voter's name may be stricken from the registration rolls of that jurisdiction. (NVRA sec. 8(f), sec. 115.193.1(2))
- A voter whose name has been removed from the registration rolls may appeal the removal. (sec. 115.223)

## **Removal – Request of the Voter, Written Confirmation of Change of Address to Another Jurisdiction, Duplicates, Death, Criminal Conviction, Adjudicated Incapacitated**

These updates to the registration file may be made within the 90 day “freeze” before a federal primary election.

### **Request of the voter**

- The name of a voter must be removed at any time at the written and signed request of the voter. (NVRA sec. 8(a)(3)(A))

### **Notice from another jurisdiction**

- The name of a voter may be removed if the LEA receives notice from another jurisdiction that the voter has registered in that jurisdiction or the LEA receives a change of address notice from the DMV or other registration agency that indicates the voter has moved outside the LEA’s jurisdiction and if the LEA is satisfied that it is the same voter by matching name, date of birth and Social Security Number (SSN). (NVRA sec. 8(d)(1)(A), sec. 115.165.4))

### **Duplicates**

- HAVA requires states to perform list maintenance so that duplicate names are eliminated from the computerized list.
- MCVR will identify duplicates by name, date of birth, and last four digits of his or her SSN.
- LEAs shall check the record identified as a duplicate in MCVR and shall delete those voters that they verify are duplicates from the registration rolls for their jurisdiction. (sec.115.158.2(4)).
- In determining whether a duplicate exists the LEA should compare name, date of birth and last four digits of the SSN. The LEA should also consider factors such as the distinctiveness of the names and recent voter activity.

### **Deceased**

- State and federal law require that each jurisdiction remove from its registration records the names of voters reported deceased. The names of persons over the age of 18 who have died are provided to the LEA each month by the Department of Health and Senior Services. (NVRA sec. 8(a)(4), secs. 115.199 & 115.195.1)
- In MCVR, the Department of Health and Senior Services will submit weekly a file of deceased persons.
- LEAs shall check the deceased person list from the Department of Health and Senior Services and delete voters that they are able to verify are the same as the person named on the list. (sec. 115.158.2(1))
- In determining whether a voter matches the record for the deceased person, the LEA should compare the name, date of birth and last four digits of the SSN. The LEA should also consider factors such as the distinctiveness of the name.

**Felons**

- State law provides, and federal law allows, that individuals who are confined under a sentence of imprisonment, who are on parole or probation after conviction of a felony or who have been convicted of a felony or misdemeanor connected with the right of suffrage are not entitled to vote. State law also provides that each election authority shall determine the voting qualifications of those reported convicted or pardoned.
- The names of persons who have been convicted of a felony or of a felony or misdemeanor connected with the right of suffrage are provided to the LEA and SOS each month by the circuit courts and U.S. attorneys. (NVRA sec. 8(a)(3)(B), secs. 115.199 & 115.195.2)
- In MCVR, the Department of Corrections shall submit weekly a file of individuals convicted of a felony.
- LEAs shall check the list of individuals convicted of a felony from the Department of Corrections and determine the voting qualifications of those reported convicted.

**Adjudicated Incapacitated**

- State law requires, and federal law allows, that each jurisdiction remove from its registration records the names of voters who have been adjudged incapacitated.
- The names of persons who have been adjudged incapacitated are provided to the LEA and SOS each month by the probate courts. (NVRA sec. 8(a)(3)(B), secs. 115.199& 115.195.3)
- LEAs shall check the list of persons who have been adjudicated incapacitated and determine the voting qualifications of those reported.